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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

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## TELECOPIER COVER SHEET

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DATE: September 15, 2005

RE: Serial No. 10/699,288; Filed:  
October 31, 2003; For: Lamp  
Assembly of Converting Between  
Flood and Focus Conditions;  
Applicants: James W.  
Schmitkons; Conf. No. 2565

TO: Office of Petitions

FROM: Kevin G. Rooney

FAX NO.: 571-273-8300

TOTAL PAGES: 9  
(including cover sheet)

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## MESSAGE/COMMENTS

## OFFICIAL

Enclosures: Petition for Revival of an Application for Patent Abandoned  
Unintentionally under 37 C.F.R. § 1.137(b) including authorization to  
charge deposit account associated fees  
Notice of Appeal including extension of time including authorization to  
charge deposit account associated fees

SEP 15 2005

PTO/SB/84 (07-05)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
NOR-1109

First named inventor: James W. Schmitkons et al.

Application No.: 10/699,288

Art Unit: 2881

Filed: October 31, 2003

Examiner: Johnnie L. Smith

Title: LAMP ASSEMBLY AND METHOD OF CONVERTING BETWEEN FLOOD AND FOCUS CONDITIONS

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in  
the form of Notice of Appeal (identify type of reply):

- ☐ has been filed previously on 09/16/2005 HVUONG1 00000010 233000 10699288
- ☒ is enclosed herewith. 01 FC:1453 1500.00 DA

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

September 15, 2005

Date

Kevin G. Rooney

Typed or printed name

36,330

Registration Number, if applicable

Wood, Herron &amp; Evans, L.L.P.

Address

513-241-2324

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441 Vine Street, 2700 Carew Tower, Cincinnati, OH 45202  
Address

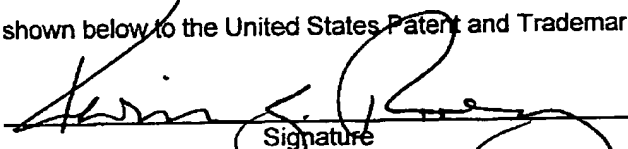
Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Authorization to charge fees to deposit account 23-3000

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

September 15, 2005  
Date

  
Signature

Kevin G. Rooney

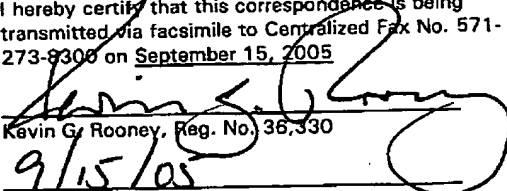
Typed or printed name of person signing certificate

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SEP 15 2005

PATENT

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Kevin G. Rooney, Reg. No. 36,330

9/15/05  
Date

Applicants: James W. Schmitkons et al.  
Serial No.: 10/699,288  
Filed: October 31, 2003  
Group Art Unit: 2881  
Examiner: Johnnie L. Smith  
Title: LAMP ASSEMBLY AND METHOD OF CONVERTING  
BETWEEN FLOOD AND FOCUS CONDITIONS  
Confirmation No.: 2565  
Attorney Ref. No.: NOR-1109

Cincinnati, Ohio

September 15, 2005

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed March 10, 2005 finally rejecting claims 1-17.

The item(s) checked below are appropriate:

1. Status of Applicant

09/16/2005 HVUDNG1 00000010 233000 10699288

02 FC:1401 500.00 DA  
03 FC:1253 570.00 DA

This application is on behalf of

☒ other than a small entity.  
☐ a small entity.

A statement

☐ is attached.

☐ was already filed on \_\_\_\_\_.

## 2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

☐ small entity \$250.00  
☒ other than a small entity \$500.00

Notice of Appeal fee due \$500.00

## 3. Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) X Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<u>      </u> one month	\$ 120.00	\$ 60.00
<u>      </u> two months	\$ 450.00	\$225.00
<u>  X  </u> three months	\$1,020.00	\$510.00
<u>      </u> four months	\$1,590.00	\$795.00

Fee \$ 1020.00

       Attached is a check in the amount of \$\_\_\_\_\_ for the three month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

  X   An extension for two months has already been secured and the fee paid thereof of \$450.00 is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$570.00.

OR

- (b) \_\_\_\_\_ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## 3. Total Fee Due

The total fee due is:

Notice of Appeal fee	<u>\$500.00.</u>
Extension fee (if any)	<u>\$570.00.</u>

Total Fee due \$1070.00

## 4. Fee Payment

\_\_\_\_\_ Attached is a check is the sum of \_\_\_\_\_.

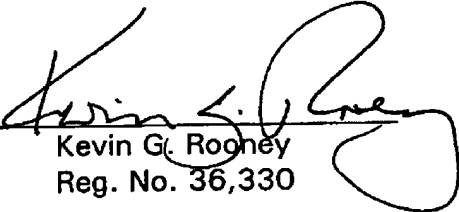
X The Commissioner is hereby authorized to charge the amount of \$1070.00 for the appeal fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

## 5. Fee Deficiency

XX Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON &amp; EVANS, L.L.P.

By   
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K:\NOR\1109\notice of appeal.wpd